IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

ORDER

Mali Ram & Others Vs. Board of Revenue for Rajasthan Ajmer & Others
(SB Civil Writ Petition No.2492/1998)

SB Civil Writ Petition under Article
226 & 227 of the Constitution of India.

Date of order: October 05, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. Bhanu Pareek, for the petitioners.

Mr. R.P.Kuldeep, Addl.Govt. Advocate for State.
Mr. R.K.Goyal, for respondents.

BY THE COURT:

The challenge in the instant writ petition is to the order of Board of Revenue (for short `Board') respectively passed on April 3, 1992, August 13, 1997 and January 20, 1998 whereby it was held that the respondent Hanuman had 1/3 share in the agricultural land belonging to deceased Deva his adopted son.

2. I have heard learned counsel for the parties and carefully scanned the material on record.

3. The Board allowed the revision vide order dated April 3, 1992 filed by respondent Hanuman and directed that 1/3 share of deceased Deva be mutated in favour of Hanuman. The special appeal filed under section 11

of Rajasthan Land Revenue Act by the petitioners was also dismissed on August 13, 1997 as it held that Hanuman had 1/3 share in the land of deceased Deva in view of registered adoption deed executed by deceased Deva in favour of Hanuman. Review petition filed by the petitioner was also dismissed on January 20, 1998.

4. Presumption of genuineness is attached to the registered adoption deed as per Section 16 of the Hindu Adoptions and Maintenance Act,1956 (for short `1956 Act') which provides as under:-

> "16. Presumption as to registered documents relating to adoption. - Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved."

5. In view of the afore quoted section the Board had presumed that the adoption deed had been made in compliance with the provision of 1956 Act. I find no illegality in the impugned orders of the Board.

6. Resultantly, the writ petition being devoid of merit stands dismissed without any order as to costs.

(Shiv Kumar Sharma)J.

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